

Minutes
Air Pollution Control Board
Indiana Government Center South
Conference Room B
402 West Washington Street
Indianapolis, Indiana

May 3, 2000
1:00 p.m.

1. John Walker, Chairman, called the meeting to order. He noted that a quorum was present.

CALL TO ORDER
QUORUM

2. Chairman Walker introduced the board members.

INTRODUCTION OF
MEMBERS

Present: John Walker, Chairman
Tom Anderson
John Bacone, Proxy, Department of Natural Resources
Jeff Bowe
Howard Cundiff, Proxy, State Board of Health
Marlow Harmon
Chris Horn
Melanie Darke, Proxy, Lieutenant Governor
Randy Staley
Dr. James Miner
Rachel McGeever, Legal Counsel
Tom Rarick, Technical Secretary

Staff members present were Tim Method, Deputy Commissioner; Janet McCabe, Assistant Commissioner; and Kathy Watson, Branch Chief. Others are recorded on a separate sheet and made a part of this record. A Court Reporter was present and a transcript is available for review.

3. Mr. Method announced the availability of the State of the Environment report. He noted that the summary of toxic release information within the report is also available on the agency web site.

REPORTS

Mr. Method mentioned the readoption process for the state's air rules. It is currently in a public comment period through May 31, 2000. The department has scheduled a public information meeting for May 11 at 1:30 p.m. in Room 1319, IGCN.

Mr. Method announced the availability of information on the White River contamination last December and January. Current information is available through the agency web site.

Ms. McCabe announced the promotion of Kiran Verma, OAM rulewriter, to rulewriter in the Office of Water Management. She had been with OAM for 11 years.

The department has been working with EPA to hold a citizen training session June 22-23 in Indianapolis. The session is designed for citizens interested in learning about the Title V permit-writing process. The goal is to keep citizens informed and encourage participation.

Ozone forecasting for this summer began May 1. Daily information is available through the department's web page and toll-free telephone number.

Ms. McCabe updated the board on the nitrogen oxides rulemaking. The DC Circuit Court had upheld EPA's nitrogen oxides (NOx) rule that requires reductions from utilities, large boilers and several other industrial categories. A number of parties have asked the court to reconsider that decision. In addition, the EPA has petitioned the court to lift the stay that the court had entered on the rules and has indicated that it expects states to complete their NOx rulemakings by this September. The parties, including Indiana, have indicated that September is not a reasonable deadline, but they will continue working with EPA for an agreeable schedule.

Mr. Anderson mentioned a meeting of the Environmental Quality Service Council to be held May 18, 1:30-3:30 p.m. to develop an air trading program in Indiana.

4. Chairman Walker introduced Exhibit 1, 326 IAC 1-1-3, references to the Code of Federal Regulations, 1998 edition, the rule as preliminarily adopted and proposed for final adoption, into the record of the hearing.

Ms. Watson commented on the rule. Adoption of this rule will update the references to the Code of Federal Regulations in the state air rules. An annual update is made to ensure the rules remain consistent with the current version of the CFR.

Mr. Anderson moved to final adopt rule 326 IAC 1-1-3, as amended. Dr. Miner seconded. The motion passed 10-0.

5. Chairman Walker introduced Exhibit 2, the draft rule 326 IAC 20-25, emissions from reinforced plastics composites fabricating emission units, into the record of the hearing.

Ms. Watson commented on the rule. At the September 1999 board meeting, the styrene non-rule policy document was introduced.

**CONSIDERATION OF
FINAL ADOPTION OF
AMENDMENTS TO
326 IAC 1-1-3,
References to the Code
of Federal Regulations,
1998 edition**

**CONSIDERATION OF
PRELIMINARY
ADOPTION OF NEW
RULE 326 IAC 20-25,
Emissions from
Reinforced Plastics
Composites Fabricating
Emission Units**

Because of changes in the emission factors, the non-rule policy document addressed permitting of styrene sources in the reinforced plastics composites fabricating industry.

Styrene is listed as a hazardous air pollutant and a possible carcinogen. IDEM has been working with companies in the reinforced plastics composites fabricating industry to find low-cost and efficient ways to reduce styrene emissions. IDEM is also trying to address the emission factor change in the permitting.

The Indiana General Assembly passed a law in 1999 requiring development of a rule by the end of year 2000 to address styrene emissions in this industry. Styrene emissions have already begun to be reduced due to voluntary efforts to use lower styrene gels and resins, as well as pollution prevention technology. The 1998 Toxic Release Inventory (TRI) showed styrene emissions increasing that year by only 17%. The increase was expected to double, due to the change in emission factors. The department is attributing that low percentage to changes that have already been made in this industry.

This proposed rule is the first toxics rule developed for a HAP in advance of a federal rulemaking or a federal MACT standard. EPA is currently developing a MACT standard for this industry.

This rule requires low-styrene-content resins and gels, and the use of flow-coaters and other non-atomized application techniques. It limits the HAP content of cleaning solvents. It requires work practice standards to reduce evaporation of materials and it assures compliance through recordkeeping and reporting. This rule applies to both new and existing sources, but the emission standards apply only to existing sources. New sources must apply the most current technology available at the time of permitting.

One issue still under discussion is whether the rule should be an Article 8 RACT rule for VOCs or an Article 20 HAP rule. The state rule, as well as the federal rule, is being developed as a HAP rule, mainly because styrene is the second largest HAP emitted in Indiana. The requirements of the rule would be the same, whether the rule is in Article 8 or Article 20. This rule is not intended to be an ozone rule. If the rule was in Article 8, it would require changes to the ozone SIP and require an EPA amendment to that plan. There is one change in the proposed rule that is included as a handout. After further discussion one exclusion was included in 1(b) to resolve any conflicts with the grandfathering provision in Section 3(e).

Mr. Anderson questioned why the rule allows the use of 5% HAP in the cleanup solvents, when the EPA's current proposed MACT requirements would not allow HAP-containing cleanup solvents. Ms. Watson said the department set a *de minimus* amount for cleanup solvents to allow flexibility within the industry. This provision may or may not need to change when EPA finalizes its rulemaking.

Mr. Mark Aker, Aker Plastics, commented on the rule. He questioned how the styrene contents in Table I were derived and if they are correct. He commented that the category for corrosion

resistant in Table I vs. Table II is the same type of material given two different styrene contents. He asked, also, that the styrene content on thermoformed sheets be raised. Styrene content is key in the chemical bond. He thinks the limit should be raised to 46-48%. Ms. Watson answered that the department is willing to discuss these numbers further with interested parties. Mr. Cundiff asked if the numbers are in line with EPA's numbers. Ms. Jean Beauchamp, IDEM, answered that the department lists more categories than EPA. Mr. Eugene Paik, IDEM, answered that the corrosion resistant number in Table I is consistent with EPA for the HAP monomer content. The department is not requiring the same type of mechanical application. The category for production, non-corrosion resistant, applied to thermoformed acrylic was added in response to, and as recommended by, industry comment.

Mr. Kurt Anderson, Director of Environment, Health and Safety, Monaco Coach, commented on the rule. He sought clarification on several issues. The first issue concerns BACT requirements. If the proposed rule is in Article 20, Article 8 should be amended to state that companies that comply with this rule be considered in compliance with Article 8-1-6 BACT, or IDEM should develop a non-rule policy document that confirms this. Mr. Anderson suggested several changes to the rule language.

Ms. Alice Boomhower, Senior Regulatory Consultant, B.P. Amoco, commented on the rule. B.P. Amoco encourages the department to set styrene content limits that are consistent with other states. The corrosion resistant category of the state's proposed rule has a limit of 38%, whereas all other states' styrene rules have a limit of 48%. IDEM's lower limit is anti-competitive. Certain types of products will either no longer be produced in the state or the state will not be able to compete fairly for new business that uses this technology. Mr. Paik commented that product integrity is very important in the corrosion resistance category. The misunderstanding may stem from EPA's draft standard using a point value system. The department chose point values to accommodate all concerns in the industry. Those numbers may need to be expressed differently.

Larry Connell, Marketing Manager, B.P. Amoco, supported Ms. Boomhower's comments.

Mr. Jeff Bullock, Magnum Environmental, commented on the rule. He suggested a few changes in the rule language regarding flow coaters and non-atomizing spray equipment.

Mr. Van Kessler, Godfrey Marine, commented on the rule. His concern is with the styrene level in Table II for tooling resins. A tooling resin made with 43% or less styrene may not hold up as well as resins made with a higher styrene content.

Mr. John Schweitzer, Composite Fabricators Association, commented on the rule. He supported Ms. Boomhower's comments. Less than 20% of the resin in this industry is used in specialty products such as corrosion resistant products. The fabricator needs a wide variety of choices when choosing these specialty products. In a meeting with EPA under the Small Business Regulatory Enforcement Fairness Act, it was recognized there is a need under the MACT

standard for fabricators and molders to be able to choose within these specialty products any resin that's necessary—and effectively any HAP content—to make those products. He hopes to continue working with IDEM to gain a provision under this rule to allow fabricators to use up to 48% styrene content for those specialty products. They are also in favor of using flow coater technology.

Mr. Bowe asked what percentage of manufacturers were using the updated flow coater technology. Mr. Schweitzer said there is nationwide acceptance in a ratio of 5-1 for the new technology. Ms. McCabe added that the asterisk in the tables indicates categories that must use the flow coaters. It was not assumed that corrosion resistant category use flow coaters. Having a higher styrene content and using a flow coater is like having a lower styrene content.

Mr. Schweitzer commented that with a manual application process, in particular filament winding, they are not using application technologies to offset a higher styrene content. He suggests requiring the use of flow coaters, and use the higher styrene content to allow using the resins needed for manual application and filament winding. Mr. Paik responded that because filament winding has such a small presence in Indiana, it has been excluded from the applicability under the standard. It will be covered under the federal MACT standard.

Mr. David Hill, on behalf of AOC Resins, supported Ms. Boomhower's and Mr. Schweitzer's comments.

Dr. Miner moved to preliminary adopt new rule 326 IAC 20-25. Harmon seconded. The motion passed unanimously.

6. The next meeting will be on Wednesday, June 7, at 1:00 p.m.,
in the Conference Center, Room B, Indiana Government Center
South, Indianapolis, Indiana.

NEXT MEETING

7. Chairman Walker adjourned the meeting at 2:30 p.m.

ADJOURNMENT

John Walker, Chairman

Thomas Rarick, Technical Secretary